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March 19, 2020

VIA ECF

The Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pennsylvania
6613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Stein v. Boockvar, No. 16-CV-6287 (PD)

Dear Judge Diamond,

This Firm is counsel to amicus curiae Election Systems & Software, LLC (“ES&S”) and we write in response to Mr. Maazel’s letter of today in which he requests on behalf of Plaintiffs that the Court “strike” ES&S’s proposed findings. Defendants have filed their opposition to this letter request and ES&S likewise opposes Plaintiffs’ request.

Mr. Maazel’s letter elevates form over substance—the Court has already ordered that ES&S may participate in this case as amicus. ES&S’s witness and its counsel were present throughout the hearing (and ES&S counsel addressed the Court on the record), ES&S’s witness testified at length, and ES&S’s amicus brief is on record. That ES&S submitted proposed findings—to which Mr. Maazel has assigned no substantive error or challenge whatsoever—should not have been a surprise to Mr. Maazel.

Should Mr. Maazel prefer that ES&S proceed by filing a motion for leave to file its submission, ES&S is prepared to do so, though ES&S believes that that would be a needless use of judicial resources given all of the other constraints on the Court’s time and energies (i.e. while Courts are shuttered and far more serious issues are at hand than the one Mr. Maazel raises).

It must be noted that Mr. Maazel’s letter is not only substantively unfounded but is procedurally impermissible as well—Rule 7.1 of the Local Rules of the Eastern District Court

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(“Motion Practice”) sets forth the requirements for seeking judicial relief. Mr. Maazel’s letter complies with none of those requirements.

ES&S respectfully requests that Plaintiffs’ request be rejected.

Respectfully submitted,

/s/Luke P. McLoughlin
Luke P. McLoughlin

cc: Alan C. Kessler, Esq.
All Counsel of Record (via ECF)